

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**RUSSELL TRUSSER, GENEVA TRUSSER,  
TELLY TRUSSER; X, Y, Z, AND “1” through  
“64”, individually and on behalf of themselves  
and others similarly situated,**

**Plaintiffs**

**Vs.**

) **CIVIL ACTION**

) **NO.**

) **CLASS-**

) **ACTION**

**JIMMY WOODWARD; ALBERT L. JORDAN;  
CURTIS W. GORDON, JR., “BUSTER”  
McCRELESS; CHARLIE HORTON; THE  
ALABAMA JEFFERSON COUNTY  
SHERIFF DEPARTMENT, STATE OF ALABAMA,  
“X” “Y” and “Z”, being the officer, agents, servants,  
or entities responsible to or for named defendant or  
defendants who participated in the illegal computer  
searches, investigations, interrogations, threats  
assaults, intimidations and/or conspiracies during  
1998 and/or 1999, of which certain of the named  
defendants and /or their agents were criminally found  
guilty and convicted of said felonies crimes on  
January 11, 2006, in this United States District Court,  
Southern District of Alabama, all of whose names, as  
yet unknown, will be added by amendment, when  
ascertained,**

**Defendants.**

**COMPLAINT**

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## **JURISDICTION**

1. Jurisdiction is invoked under the following:

**42 USCA Sec 1973d; 42 USCA Sec 1973 (f) (g) (h) (c) (I) (I) (e); 42 USCA Sec 1973 (a) (a); 42 USCA Sec 1973 (c); 42 USCA Sec. 1973; USCA Const. Amend XV Sec. 1; 28 USCA Sec 1443; 42 USCA Sec 1983; 42 USCA sec 1981; 42 USCA Sec. 1971; 42 USCA Sec 1971 (g) (c) (a) (f); 18 USC Sec 2; 18 USC Sec 52, 1030 (a) (2); 18 USC Section 18 USC Sec 641; 18 USC Sec 1512; Code of Ala., 1975 6-2-6; Code of Ala., 1975, 6-2-33; Code of Ala., 1975 6-5-370; Code of Ala., 1975, 13 A-10-2; Code of Ala., 1975, 13A-10-1; Code of Ala., 1975, 13a-10-123; Code of Ala.; 1975, 13A-10-124; Code of Ala., 1975, 13A-10-131; Code of Ala., 1975, 41-9-601; Code of Ala.; 1975, 41-9-602.**

## **NATURE OF THE ACTION**

2. This is an action for damages and other relief occasioned by the criminal, outrageous, discriminatory and other illegal acts of the defendants.

## **PARTIES**

### **PLAINTIFFS:**

3. The plaintiffs are all citizens of Alabama and the United States.  
They are or were, in November of 1998, residence of the Bessemer

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Division of Jefferson County, Alabama, are predominantly, if not exclusively, black, and who voted, by absentee ballot, in the November general election of November 3, 1998.

3. (a). Plaintiffs bring this action individually and on behalf of other person similar situated. The class represented by plaintiff is, at the outset, so seemingly numerous the naming of all its members is impractical. There are common questions of law and fact, Plaintiff's claim are typical of those of the class; and plaintiffs will, through their counsel, adequately represent the class, thereby making appropriate monetary damages and other relief with respect to the class as a whole.

3. (b). The class represented by the plaintiffs consists of all the black voters who voted by absentee ballot in the Bessemer Division of Jefferson County Alabama in the November 3, 1998 general election as well as some voters in Bessemer who were investigated, had their records searched and/or were interrogated because they voted against the defendant Woodward, and voted for Democrat challenger, Mike Hale.

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### **DEFENDANTS**

4. Defendants are Jimmy Woodward, Albert Jordan, “Buster” McCreless, Charlie Horton, and the Jefferson County Alabama’s Sheriff’s Department.

### **ALLEGATION OF FACTS**

5. (1). Plaintiffs allege that on or about November 3, 1998, and November 4, 1998 and on other occasions near in time thereunto, immediately subsequent to the Jefferson County, Alabama, General Election, defendants, including but not limited to Jimmy Woodward, the then-incumbent Sheriff of Jefferson County, Alabama; Albert Jordan (an active Republican partisan, associate and ally of Woodward), a licensed attorney; and Curtis W. Gordon ( an active Republican partisan, special deputy and ally of Woodward) a licensed attorney and other, received notice via election results that Woodward had lost the November General Election for Sheriff to the Democrat challenger, Mike Hale.

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5. (2). The two political divisions of Jefferson County, Alabama, the “Birmingham Division” and the “Bessemer Division” had posted initial election returns indicating Democrat, Mike Hale, was the winner of the Sheriff’s race.
5. (3). Defendant Woodward, the Republican incumbent, had thus run for re-election and, on November 3, and/or November 4, 1998, preliminary results indicated Woodward had lost the election to Democrat challenger, Mike Hale, by 37 votes out of some 226,000 votes cast.
5. (4). Beginning on November 3, 1998, and especially on November 4, 1998, Woodward, individually, and/or with his accomplices and defendants, conceived the plot or plan to challenge the results said election. Woodward and the named defendants including attorneys Albert L. Jordan together with attorney and deputy, Curtis W. Gordon thereupon set out to overturn and rebut the legal results of the election.
5. (5). Defendants and others in their confidence, conspired, decided and agreed that the voters in the Bessemer Division of Jefferson

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- County were largely Black and had, hence, voted historically and predominantly Democrat and had therefore, most certainly, voted for Democrat Challenger (and winner), Mike Hale.
5. (6). Whereupon, on or about aforesaid dates and at times appurtenant thereto, defendants decided, conspired and set about to obtain the list of “absentee voters” in the Bessemer Division of Jefferson County, Alabama.
5. (7). In consequence and in furtherance of this scheme, defendant and their cohorts deviously agreed that since a large portion of the Bessemer voters had voted Democrat, for Mike Hale, and because a large portion were Black, they decided that many of the Black voters might have criminal records and that, as well, many of the Black voters would have voted illegally (simply, because they “were black”).
5. (8). In furtherance of this despicable, bigoted and racially prejudiced scheme, defendants agreed to, and in fact, did, conduct illegal and felonious computer searches of the plaintiffs’ personal histories on computer program designed strictly for law

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enforcement personnel in and about the conduct of official and public business. Defendants knew their use of these computer programs was illegal and improper and that no officials or individuals acting under of color of office had the right to conduct the searches envisioned and conducted by defendants. Defendants, including Jordan, individually and as attorney for Woodward, had even enquired as to the questionable legality of said search and was advised by a judge that such a search was illegal.

5. (9). With full knowledge of the illegality of their acts, the due consequences thereof, and with reckless, willful and wanton disregard of the impact of these illegal and invasive acts on the lives of these Black plaintiffs and other similarly situated, both within Alabama and without, defendants concealed their illegal scheme with fraudulent covers and information and proceeded.
5. (10). After gathering illegal and incomplete information derived from the felonious computer search, defendants, by and through the illegal and willful use of deputies and other public officers (including deputy Sheriffs following defendants' orders) said defendants (usually in

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- pairs) entered the homes of the plaintiffs and others, similarly situation and conducted illegal interrogations, investigations and intimidations of said plaintiffs, pursuant to defendants' scheme.
5. (11). These invasions and intrusions into the homes of targeted Blacks within the Bessemer Division of Jefferson County were deviously and illegally cloaked with "the color of office" pretense of "legal investigations", yet, all the while, the purpose of these vile activities was to further the ends of the defendant Woodward, the codefendants and others under his command.
5. (12). Defendant, Jefferson County Sheriff Department did aid and abet the wrongful and criminal acts of Woodward, Jordan, Gordon and the other defendants named and unnamed in that said County and/or Department did cause and allow and participate in the administration of the oath of office to Woodward both before his tortuous and criminal acts and after the commission of the tortuous and criminal acts. These said defendants did continue, Woodward in office, without reprimand or even intra department investigation, and did continue him at a salary paid for at plaintiffs' and other



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taxpayers' expense.

5. (13). As a direct and proximate consequence of the acts of the defendants, plaintiffs and others similarly situated, suffered immediate and permanent damages and injuries, including the wrongful violation of their rights of suffrage under Federal and Alabama law, their inalienable civil rights were violated, they were forcefully threatened, they were wrongfully intimidated, they were assaulted and threatened with loss of their freedom, they were fraudulently threatened with jail and/or prosecution, they were wrongfully interrogated by officers posing as acting under color of law, their rights to be secure in their homes were violated and they were mistreated and discriminated against because of their Race and their choice of candidates.

5. (14). Statutes violated include:
- 42 USCA Sec 1973d; 42 USCA Sec 1973 (f) (g) (h) (c) (I) (I) (e); 42 USCA Sec 1973 (a) (a); 42 USCA Sec 1973 (c); 42 USCA Sec. 1973; USCA Const. Amend XV Sec. 1; 28 USCA Sec 1443; 42 USCA Sec 1983; 42 USCA Sec 1981; 42 USCA Sec. 1971; 42**

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**USCA Sec 1971 (g) (c) (a) (f); 18 USC Sec 2; 18 USC Sec 52, 1030 (a) (2); 18 USC Section 18 USC Sec 641; 18 USC Sec. 1512; Code of Ala. 1975, 6-2-6;**

**Code of Ala., 1975, 6-2-33; Code of Ala., 1975 6-5-370; Code of Ala., 1975, 13A-10-2; Code of Ala., 1975 13A-10-1; Code of Ala., 1975, 13A-10-123; Code of Ala.; 1975, 13A-10-124; Code of Ala., 1975, 13A-10-131; Code of Ala., 1975, 41-9-601; code of Ala.; 1975, 41-9-602.**

- A. This is an action for damages and other relief occasioned by the criminal, outrageous, discriminatory and other illegal acts of the defendants.
- B. The plaintiffs are all citizens of Alabama and the United States. They are or were, in November of 1998, residence of the Bessemer Division of Jefferson County, Alabama, are predominantly, if not exclusively, black, and who voted, by absentee ballot, in the November general election of November 3, 1998.
- C. Plaintiffs bring this action individually and on behalf of another person similar situations. The class represented by the plaintiff is, at

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the out set, so seemingly numerous that naming of all its members is impractical. There are common questions of law and fact, Plaintiffs' claims are typical of those of the class; and the plaintiffs will, through their counsel, adequately represent the class, there by making appropriate monetary damages and other relief with respect to the class as a whole.

- D. The class represented by the plaintiffs consists of all the black voters who voted by absentee ballot in the Bessemer Division of Jefferson County Alabama in the November 3, 1998, election.

**GOVERNMENT'S PRIOR FINDINGS AND JUDICATION**

- E. (1). The facts constituting the gravamen of this case as to its criminal, legal, political and historical impact have been previously adjudicated in the United States District Court where defendants Woodward and Jordan were tried before a jury of other peers, where they were found guilty of the commission of felonies and have been sentenced there under. Those facts and matters as found by the United States District Court are as stated: In November 1998, Jimmy

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- Woodward, defendant, was the incumbent Sheriff of Jefferson County, Alabama. The two largest cities in Jefferson County are Birmingham and Bessemer. Woodward, a Republican ran for re-election on November 3, 1998, but apparently, lost by 37 votes out of 212,000 votes cast. Woodward's opponent Mike Hale, a Democrat was certified the winner.
- E. (2). Woodward undertook to challenge the results of the election and on November 4, 1998, hired attorney and co-defendant Albert Jordan. On November 3 and November 4, 1998 Woodward, Gordon, (attorney and deputy sheriff) and Jordan met to discuss ways to overturn the election results.
- E. (3). They agreed (as stated hereinabove) that the voters in Bessemer were largely black and had voted largely Democrat, meaning they likely voted for Defendants decided to obtain the list of absentee voters in Bessemer and have deputies go to their homes and challenge or interrogate said voters about the legitimacy of their votes, the legality of their ballots, the reason for voting absentee, the validity of witnesses to voters signatures and other related methods of improper

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tactics of challenge.

- E. (4). As a prerequisite all this proposed and selfish illegality, Defendants further agreed to conducts illegal computer checks of the voters in Bessemer who voted by absentee ballot, to see if any were convicted felons and not permitted to vote.
- E. (5). Defendants illegally accessed the National Crime Information Center through the Alabama Justice Information System.
- E. (6). Defendants conspired to, and did, falsify and conceal their illegal purposes in initializing the computer checks. The computer checks are to be used only for legitimate law enforcement purposes.
- E. (7). In it's prosecution and it's case, the United states government believed that Woodward and Jordan, in pursuit of Woodward's election contest, conspired illegally to use, and in fact illegally used, JCSD employees and resources to conduct computer checks on the ACJIS and NCIC to determine whether any of the Bessemer absentee voters had felony convictions. The Government proved that Woodward started the voter fraud investigation as a mean to conceal his use of the ACJIS and NCIC for his private purpose. Accordingly,

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- on June 21, 2000, following a joint investigation by the Alabama Attorney General and the U.S. Attorney for the Northern District of Alabama, a Northern District Alabama Grand Jury, which had been empanelled in September, 1999, returned a five-count indictment against Woodward and Jordan.
- E. (8). The defendants were arraigned on July 20, 2000, and entered pleas of not guilty. The District Court scheduled their trial for Tuesday, October 10, 2000.
- E. (9). Checks were also ran on certain names on the Birmingham absentee voter's list, but the Government believes that these checks were done merely to cover-up Woodward checks of the names on the Bessemer absentee voter's list.
- E. (10). Earlier, an Alabama Grand Jury initially indicted Sheriff Woodward for obtaining criminal history information under false pretenses in violation of Alabama Code section 41-9-601.
- E. (11). Woodward and Jordan were each charged in three counts of the indictment. Count One alleged that both Woodward and Jordan conspired with each other to knowingly convert to their own use

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records and things of a value of the United States of a value of in excess of \$ 1,000.00; to convey without authority, records and things of value of the United States, of a value in excess of \$1,000.00; to receive and retain, with the intent to convert to their own use, records and things of value of the United States, of a value in excess of \$1,000.00, knowing them to be converted, to knowingly engage in misleading conduct towards others with intent to influence the testimony of persons in future official proceedings; and to defraud the United States, that is, use deceit, craft, trickery, overreaching and dishonest means to interfere with and impair lawful government functions, that is, the government's control of the NCIC records and information contained therein, all in violation of 18 U.S.C. Section 371.

- E. (12). Count Two charged that Woodward knowingly and without authority conveyed to Jordan a thing of value of the United States (the NCIC records), knowing them to have been no authority to do so, in violation of 18 U.S.C. Section 2 and 641.
- E. (13). Count Three charged that Jordan knowing received and retained

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- a thing of value of the United States (the NCIC records), knowing them to his own use, in violation of 18 U.S.C. Section 2 and 641.
- E. (14). Count Four charged that Jordan, through employees of the County Sheriff's Office, intentionally accessed the NCIC computer without authorization, and thereby obtained information from a department and agency of the United States for the purpose of private financial gain and in furtherance of criminal acts, in violation of 18 U.S.C. Section 2 1030 (a) (2), and 1030 (c) (2) (B) (i) & (ii).
- E. (15). Finally, Count Five charged Woodward with willfully and knowingly aiding and abetting the commission of the offense described in Count Four, in violation of 18 U.S.C. Section 2.
- E. (16). On January 11, 2006, defendants, Jordan and Woodward, were charged with conspiracy to use the NCIC criminal database and with the unauthorized access to the NCIC criminal database for their own illegal or private purposes.

Wherefore, plaintiffs claim of defendants the sum of One Hundred million dollars (\$ 100,000,000.00) damages, exclusive of costs and interest.



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s/Nathaniel Martin  
Nathaniel Martin

Nathaniel Martin (MAR 093)  
Attorney at Law  
P.O. Box 1809  
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**PLAINTIFFS DEMAND A TRIAL BY STRUCK JURY IN THIS  
CASE**

s/Nathaniel Martin  
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(205) 221-3736

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**PLEASE SERVE DEFENDANTS VIA CERTIFIED MAIL AT:**

Jimmy Woodward  
232 Ardella Circle  
Gardendale, Alabama 35071

Curtis W. Gordon, Jr.  
2813 Country Wood Circle  
Vestavia Hills, Alabama 35243

Albert L. Jordan  
3757 Dunbarton Circle  
Mountain Brook, Alabama 35223

Buster McCreless  
% Jefferson County Sheriffs Department  
2200 8<sup>th</sup> Ave North  
Birmingham, Alabama 35203

Charlie Horton  
% Jefferson County Sheriffs Department  
2200 8<sup>th</sup> Ave North  
Birmingham, Alabama 35203

Serve Jefferson County Sheriff Department  
% Jefferson County Sheriffs Department  
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Birmingham, Alabama 35023

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Nathaniel Martin